

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF A SUBSTANTIAL)
DEVELOPMENT PERMIT GRANTED BY)
THE CITY OF REDMOND TO)
STATE INVESTORS, INC.)
STATE INVESTORS, INC.,)
Appellant,)
vs.)
CITY OF REDMOND,)
Respondent.)

SHB No. 83

FINAL FINDINGS OF FACT,
CONCLUSIONS AND ORDER

THIS MATTER being a request for review of a conditioned
substantial development permit for filling of part of a two and one-
half acre site in the Redmond business district having come on
regularly for hearing before the Shorelines Hearings Board on the
23rd day of November, 1973, at Redmond, Washington; and appellant,
State Investors, Inc., appearing through its attorney, Richard U.
Chapin and respondent, City of Redmond, appearing through its attorney,

James Dailey; and Board members present at the hearing being Messrs. Walt Woodward, W. A. Gissberg, Robert F. Hintz, Ralph A. Beswick and Mrs. Mary Ellen McCaffree; and the Board having considered the sworn testimony, exhibits, records and files herein and having entered on the 18th day of December, 1973, its proposed Findings of Fact, Conclusions and Order; and the Board having served said proposed Findings, Conclusions and Order upon all parties herein by certified mail, return receipt requested and twenty days having elapsed from said service; and

The Board having received no Exceptions to said proposed Findings, Conclusions and Order; and the Board being fully advised in the premises; now therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed Findings of Fact, Conclusions of Law and Order, dated the 18th day of December, 1973, and incorporated by this reference herein and attached hereto as Exhibit A, are adopted and hereby entered as the Board's Final Findings of Fact, Conclusions of Law and Order herein.

DONE at Lacey, Washington this 29th day of January, 1974.

SHORELINES HEARINGS BOARD

Walt Woodward
WALT WOODWARD, Chairman

Ralph A. Beswick
RALPH A. BESWICK, Member

Robert F. Hintz
ROBERT F. HINTZ, Member

W. A. Gissberg
W. A. GISSBERG, Member

Mary Ellen McCaffree
MARY ELLEN McCAFFREE, Member

FINAL FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Mr. Richard U. Chapin
Inslee, Best, Chapin & Doezie P.S.
Cascade Building
855 - 106th N.E.
Bellevue, Washington 98004

State Investors, Inc.
7841 Leary Way
Redmond, Washington 98052

the foregoing being the last known post office addresses of the above-named parties. I further certify that proper postage had been affixed to the envelopes deposited in the U. S. mail.

FINAL FINDINGS OF FACT, CONCLUSIONS AND ORDER

five
1/2

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF A SUBSTANTIAL)
DEVELOPMENT PERMIT GRANTED BY)
THE CITY OF REDMOND TO)
STATE INVESTORS, INC.)
STATE INVESTORS, INC.,)
Appellant,)
vs.)
CITY OF REDMOND,)
Respondent.)

SHB No. 83

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

This matter having come on for hearing before the Shorelines Hearings Board in the City of Redmond, Washington on November 23, 1973 and Messrs. Woodward, Gissberg, Hintz and Beswick and Mrs. McCaffree, members of the Board, being in attendance thereon and the appellant appearing through its attorney, Richard U. Chapin and the respondent appearing through its attorney, James Dailey, and testimony having been given and exhibits introduced, and the Board having been fully advised in the

EXHIBIT A

premises and having by unanimous decision given its oral opinions approving appellant's application, does make the following:

FINDINGS OF FACT

I.

That the subject property is within the flood plain associated with Bear Creek at a point where said Creek has a mean annual flow in excess of 20 cubic feet per second.

II.

That pending the construction of improvements on top of the proposed fill, a sod of satisfactory material should be grown over the entire surface of the proposed fill and that such sod will, in conjunction with a retention pond which shall be designed and constructed on the proposed fill, satisfactorily control runoff of surface water and prevent any significant increase in peak runoff, erosion and siltation of Bear Creek; that such sod and retention pond should remain in place until the construction of other water storage or retainage facilities which will satisfactorily control runoff of surface water and prevent any significant increase in peak runoff, erosion and siltation of Bear Creek following construction of improvements on the proposed fill. That construction of the proposed fill should take place between May 1, 1974 and September 1, 1974. That the proposed fill will result in the raising of the water level of a 100-year frequency flood four-tenths of an inch between the Redmond-Fall City Highway Bridge and the Union Hill Road Bridge and that the rise would gradually decrease to zero in the area between the Union Hill Road Bridge and the Northeast 95th Street Bridge.

FINDINGS OF FACT,

CONCLUSIONS AND ORDER

III.

That the proposed fill will not effect the velocity or volume of water flow in the floodway of Bear Creek.

IV.

That the area of flood plain to be affected by the fill constitutes approximately 217 acres and that the area of the proposed fill constitutes approximately one percent of the area of the affected flood plain.

V.

That the proposed fill will not cause any significant erosion and will not result in any increased siltation of Bear Creek.

VI.

The proposed fill will not have any detrimental effects on the salmon or other fish or the carrying or transportation qualities of Bear Creek or its water.

VII.

That the property on which the proposed fill will be placed is and for approximately ten years has been zoned C-M for commercial purposes by the City of Redmond. That the comprehensive land use plan of the City of Redmond, entitled "Optimum Land Use Plan" designates the subject property as being for commercial purposes.

VIII.

That the proposed fill will not create a need for any changes in the channelization of Bear Creek.

IX.

That the proposed fill will not cause any significant detrimental

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 effect on or hazard to adjacent or other life, property or natural
2 resource systems.

3 That the proposed fill will allow for the maintenance of sufficient
4 flood plain cross section to handle projected flood flows without altering
5 the stability and/or alignment of Bear Creek.

6 That an underground water storage facility and filtering system
7 can be adequately constructed to prevent any significant increase in
8 the instantaneous surge flow to Bear Creek and prevent petroleum products
9 and other pollutants from discharging into Bear Creek.

10 That the perimeter of the fill can and should be provided with
11 vegetation and that the providing of such vegetation will prevent
12 significant erosion.

3 That the fill can be constructed of such materials that will not
14 cause any problem of water quality in Bear Creek.

15 That the proposed fill will not alter total water surface, will not
16 be a restriction to navigation, will not impede the water flow or
17 circulation of Bear Creek nor reduce the water quality of Bear Creek nor
18 result in the destruction of any natural habitat.

19 From which comes these

20 CONCLUSIONS OF LAW

21 I.

22 The property on which the proposed fill is located is within the
23 "Shorelines" as defined in RCW 90.58.

24 II.

25 The proposed fill is consistent with the policy of RCW 90.58.020,
26 the Guidelines adopted by the Department of Ecology including

27 FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 WAC 173-16-060(14), the "Optimum Land Use Plan of the City of Redmond"
2 and so far as can be ascertained, the master program being developed by
3 the Redmond Shorelines Citizen's Advisory Committee as set forth in
4 their preliminary goals and policies for the Redmond-Shorelines
5 Planning Area dated November 14, 1973.

6 III.

7 That the appellant bore and met its burden of proof.

8 Therefore, the Shorelines Hearings Board issues this

9 ORDER

10 1. That the substantial development permit for which appellant made
11 application to the City of Redmond under its File Number SDA 8 be
12 issued, authorizing the fill to the full extent for which said
13 application was made subject to the following conditions:

14 a. The conditions set forth in paragraphs 1, 2, 6, 7, 8, 9,
15 10 and 11 of the "Decisions and Conditions" section of the Redmond
16 Planning Department Staff Report dated May 11, 1973, a copy of the
17 pertinent portions of which are attached hereto and hereby incorporated
18 into this Order.

19 b. That a retention pond be designed and constructed con-
20 temporaneously with the establishment of the fill sufficient to control
21 runoff of surface waters and prevent any significant increase in peak
22 runoff, erosion or siltation of Bear Creek.

23 c. That a satisfactory grass cover be grown over the entire
24 fill.

25 d. That the fill shall be installed between May 1, 1974 and
26 September 1, 1974.

27 FINDINGS OF FACT,
CONCLUSIONS AND ORDER

c. That all applicable ordinances of the City of Redmond pertaining to said fill be complied with.

f. That following the completion of the fill, no additional substantial development shall take place without compliance with RCW 90.58.

g. That following completion of the fill, no additional substantial development shall take place on the subject property without installation of a storage retention facility and filtering system adequate to control runoff of surface waters and prevent any significant increase in peak runoff, erosion or siltation of Bear Creek.

2. That the City of Redmond be and it is directed to issue a substantial development permit to the full extent applied for by appellant under City of Redmond's File No. SDA 8 subject to the conditions hereinabove set forth.

DONE at Lacey, Washington this 18th day of December, 1973.

SHORELINES HEARINGS BOARD

Walt Woodward
WALT WOODWARD, Chairman

Ralph A. Beswick
RALPH A. BESWICK, Member

Robert F. Hintz
ROBERT F. HINTZ, Member

W. A. Gissberg
W. A. GISSBERG, Member

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

Mary Ellen McCaffree
MARY ELLEN McCAFFREE, Member

X.

Any Finding of Fact which should be deemed a Conclusion of Law is hereby adopted as such.

From these Conclusions the Shorelines Hearings Board makes this

ORDER

1. The granting of a permit to respondent, Keating, is affirmed.
2. The permit is remanded to Kittitas County to reissue the permit in such form as shall expressly and definitely state thereon the conditions only under which the County shall allow the filling to take place under its permit. At any event, the permit shall include conditions dealing with those matters discussed in Conclusion of Law VIII.

DONE at Lacey, Washington this 8th day of August, 1974.

SHORELINES HEARINGS BOARD

Ralph A. Deswick
RALPH A. DESWICK, Member

W. A. Gissberg
W. A. GISSBERG, Member

Robert F. Hintz
ROBERT F. HINTZ, Member

I concur in the Order but do not support Conclusion of Law IV.

Walt Woodward
WALT WOODWARD, Chairman

I dissent.

Edward Heavey
EDWARD HEAVEY, Member

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER